

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

United States of America,

Plaintiff,

v.

Derek R. Schwartz

Defendant,

and

Schwab Retirement Plan Services, Inc.,

Garnishee.

Civil Action No.: 1:24-cv-1331 (LEK/TWD)

**APPLICATION FOR
WRIT OF CONTINUING
GARNISHMENT**

The United States of America applies, pursuant to 28 U.S.C. § 3205(b)(1), for a Writ of Continuing Garnishment upon the judgment entered against defendant Derek R. Schwartz, whose social security number is xxx-xx-8569.¹ The last known address of the defendant is FCI Beaumont Low located in Beaumont, TX.

Derek R. Schwartz pled guilty on September 21, 2023 to one count of Conspiracy to Commit Wire Fraud and four counts of Wire Fraud. *See* Criminal Action No. 1:21-CR-298, Judgment (ECF No. 65) dated September 4, 2024. The Court entered a judgment against Derek R. Schwartz and ordered restitution to be paid in the amount of \$12,968,505.22. *See id.*

More than 30 days has passed since the United States demanded payment of this debt, yet the balance has not been paid. As of May 12, 2025, the defendant owes \$9,984,275.79 in restitution.

¹ Pursuant to Local Rule 5.2(a), the defendant's social security number has been redacted to the last four digits.

Pursuant to 18 U.S.C. § 3613(c), upon entry of judgment, a lien arose against all of Derek R. Schwartz's property and rights to property. To enforce the judgment, the United States requests that a Writ of Continuing Garnishment be issued for service upon Schwab Retirement Plan Services, Inc., Attn: Third Party Legal Process, 3000 Schwab Way, Westlake, TX 76262 (Garnishee). The United States believes the Garnishee has possession, custody, or control of substantial nonexempt property belonging to or due to Derek R. Schwartz, including nonexempt funds held in a "Nice Systems, Inc., 401(k) plan" xxxx8569. No later than the time the postjudgment remedy is put into effect, pursuant to 28 U.S.C. § 3202(c), the United States will serve Derek R. Schwartz, his attorney, and each person whom the United States has reasonable cause to believe has an interest in the property subject to the attached Writ of Continuing Garnishment, which meets the requirements of 28 U.S.C. § 3205.

Dated: May 12, 2025

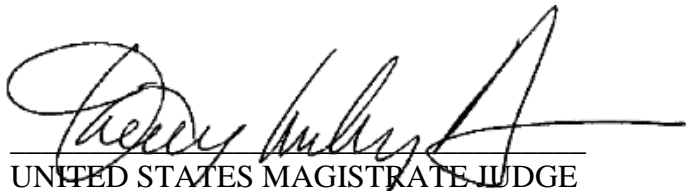
Respectfully submitted,

JOHN A. SARCONI III
United States Attorney

By: /s/ Melissa O. Rothbart
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SO ORDERED:

Dated: May 16, 2025


UNITED STATES MAGISTRATE JUDGE